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C O N F I D E N T I A L SAIGON 28488

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SUBJECT: NATIONAL ASSEMBLY: DECLARATION BY NATIONAL ASSEMBLY CONCERNING UPPER HOUSE ELECTION LAW.

1. FOLLOWING IS EMBASSY TRANSLATION OF DECLARATION DATED JUNE 20 ISSUED BY NA CHAIRMAN PHAN KHAC SUU ON SUBJECT OF UPPER HOUSE ELECTION LAW:

QUOTE: THE OFFICE OF THE NATIONAL ASSEMBLY HAS THE HONOR TO PROCLAIM TO THE NATION:

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1) ARTICLE 30 OF THE UPPER HOUSE LAW. AWARE OF THE PRESENT POLITICAL SITUATION WHICH IS DOMINATED BY DIVISIVENESS, THE NATIONAL ASSEMBLY HAD DECIDED THAT EACH ELECTOR HAS THE RIGHT TO CAST BALLOTS FOR TWO OUT OF SIX LISTS OF SENATORS TO BE ELECTED. THIS ELECTION PROCESS WILL CREATE FOR VARIOUS POLITICAL PARTIES THE OPPORTUNITY TO MERGE IN TWO OR THREE POLITICAL GROUPS OF DIFFERENT TENDENCIES WITHIN THE NATIONAL ASSEMBLY. THIS WOULD BE CONSISTENT WITH THE SPIRIT OF THE CONSTITUTION WHICH STATES THAT: THE NATION ENCOURAGES PROGRESS TOWARD A TWO-PARTY SYSTEM. THE ABOVE-MENTIONED DECISION OF THE NATIONAL ASSEMBLY WAS APPROVED BY AN ABSOLUTE MAJORITY OF ITS MEMBERSHIP.

(1)

HOWEVER, DISREGARDING THE WILL OF THE PEOPLE'S REPRESENTATIVE IN THE NATIONAL ASSEMBLY, THE NATIONAL LEADERSHIP COMMITTEE PROMULGATED LAW NO. 2/67, DATED JUNE 15, 1967, GOVERNING THE PROCEDURES FOR ELECTION OF THE UPPER HOUSE IN SUCH A WAY THAT EACH ELECTOR HAS THE RIGHT TO CAST BALLOTS FOR SIX LISTS INSTEAD OF TWO.

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THE NATIONAL ASSEMBLY DEEMS IT NECESSARY TO EXPOSE BEFORE THE NATION THIS UNILATERAL ACTION OF THE NATIONAL LEADERSHIP COMMITTEE.

2) ARTICLE 14 AND ARTICLE 17. ARTICLE 14 OF THE ELECTION LAW NO. 2/67 DATED JUNE 15, 1967, STIPULATES THAT APPLICATIONS FOR UPPER HOUSE CANDIDACY MUST BE FILED FROM JUNE 20 TO JUNE 30, 1967.

THE NATIONAL ASSEMBLY AGREES WITH THE NATIONAL LEADERSHIP COMMITTEE THAT APPLICATIONS MUST BE FILED WITHIN THE ABOVE-MENTIONED PERIOD. HOWEVER, THE CANDIDATES' DOSSIERS CAN BE COMPLETED BEFORE JULY 8, 1967, THE DAY WHICH THE CENTRAL ELECTION COUNCIL BEGINS TO PROCEED TO THE EXAMINATION OF CANDIDATES' DOCUMENTS.

BUT ACCORDING TO A COMMUNIQUE ISSUED RECENTLY BY THE SPECIAL COMMISSIONER FOR ADMINISTRATION, ALL DOCUMENTS RELATED TO CANDIDACIES FOR THE UPPER HOUSE MUST BE FILED BEFORE TWELVE MIDNIGHT OF JUNE 30, 1967.

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THIS PERIOD OF TIME IS TOO RESTRICTED.

THE OFFICE OF THE NATIONAL ASSEMBLY RECOMMENDS THAT ALL ADMINISTRATIVE AGENCIES CHARGED WITH RECEIVING APPLICATIONS FOR CANDIDACY AS PROVIDED FOR IN ARTICLE 17 OF LAW NO. 2/67 DATED JUNE 15, 1967, EXTEND THE DEADLINE FOR COMPLETION OF CANDIDATES' DOSSIERS TO TWELVE MIDNIGHT JULY 7, 1967, INSTEAD OF JUNE 30, 1967. UNQUOTE.

2. COMMENT: CONSIDERING CIRCUMSTANCES LEADING TO ISSUANCE OF COMMUNIQUE, IT IS QUITE MILD IN TONE AND CALLS FOR NO ACTION ON THE DIRECTORATE'S PART. HOPEFULLY, NA AND DIRECTORATE WILL NOW PUT MATTER TO REST. MEANWHILE, A PRECEDENT, ALBEIT SOMEWHAT BELATED, HAS BEEN ESTABLISHED FOR HANDLING OF LEGISLATION DURING THIS TRANSITIONAL PHASE. NA'S COMMUNIQUE IMPLIES TACIT ACCEPTANCE OF DIRECTORATE'S DECISION TO AMEND ARTICLE 30 OF UPPER HOUSE LAW UNDER PROVISIONS OF ARTICLE 45 OF CONSTITUTION. WHAT THIS MEANS FOR FUTURE LEGISLATION IS THAT NA MUST SPECIFICALLY OVERRIDE A PROPOSAL CONTAINED IN A DIRECTORATE REQUEST

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FOR RECONSIDERATION BY REAFFIRMING ITS ORIGINAL POSITION WITH AN ABSOLUTE MAJORITY. A THIRD OR INTERMEDIATE SOLUTION HAS NO VALIDITY, WHATEVER THE MAJORITY, AND IS NOT BINDING ON DIRECTORATE.

3. WE SEE CERTAIN MERIT IN REQUEST CONTAINED IN PART 2 OF NA COMMUNIQUE. UPPER HOUSE LAW ONLY PROMULGATED ON JUNE 15 WITH A CHANGE WHICH IS SURE TO INCREASE THE NUMBER OF COPETING LISTS. EVERY MAJOR POLITICAL GROUPING OR ALLIANCE IS NOW GOING TO WANT TO FORM OR PARTICIPATE IN AT LEAST 4 OR 5 UPPER HOUSE LISTS WHERE ONE OR TWO WOULD HAVE PREVIOUSLY SUFFICED. MOREOVER, MANY POLITICIANS WERE NO DOUBT DEFERRING THEIR PREPARATIONS FOR UPPER HOUSE ELECTIONS IN BELIEF THAT THEY WOULD TAKE PLACE IN DECEMBER. THERE ARE NOW ONLY 9 DAYS REMAINING IN WHICH TO FORM LISTS AND FILE CANDIDACIES FOR UPPER HOUSE. IT SEEMS REASONABLE TO ALLOW CANDIDATES SEVEN ADDITIONAL DAYS TO PUT TOGETHER THE DOCUMENTS WHICH MUST ACCOMPANY APPLICATIONS FOR CANDIDACY SINCE MANY OF THESE CANDIDATES MUST RETURN TO THEIR HOMES OR FORMER PLACES OF RESIDENCE IN THE PROVINCES TO SECURE THE NECESSARY DOCUMENTATION.

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